

AMENDED IN SENATE JULY 1, 2008  
AMENDED IN ASSEMBLY MAY 12, 2008  
AMENDED IN ASSEMBLY APRIL 23, 2008  
AMENDED IN ASSEMBLY APRIL 14, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2339**

---

**Introduced by Assembly Member Solorio**  
**(Coauthors: Assembly Members Carter, Coto, Emmerson, Jeffries,**  
**Mendoza, Silva, Spitzer, and Tran)**

February 21, 2008

---

An act to ~~add Section 5272.1 to~~ *amend Section 5272 of* the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2339, as amended, Solorio. Advertising displays.

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from its provisions certain advertising displays that advertise the business conducted or services rendered or goods produced or sold on the property upon which the display is placed, as specified.

This bill would also exempt from the provisions of the act certain advertising displays, ~~placed and~~ in existence before January 1, 2009, ~~at publicly owned properties at an arena located on public land~~ with a capacity of 5,000 seats or ~~greater more that provide~~ *provides* a *permanent* venue for professional sports, ~~that advertise the business conducted or services rendered or the brands or goods marketed,~~

~~produced, or sold for a minimum of one year at the property upon which the advertising display is placed, if the owner or occupant of the premises advertises pursuant to an agreement for an integrated marketing plan, as defined, that meets specified requirements and that advertises products, goods, or services sold on the premise of the arena pursuant to an agreement of at least one year duration between the vendor or business and the property owner.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 5272 of the Business and Professions*  
2     *Code is amended to read:*  
3     5272. With the exception of Article 4 (commencing with  
4     Section 5300) and Sections 5400 and 5404, inclusive, nothing  
5     contained in this chapter applies to any advertising display that is  
6     used exclusively for any of the following purposes:  
7     (a) To advertise the sale, lease, or exchange of real property  
8     upon which the advertising display is placed.  
9     (b) To advertise directions to, and the sale, lease, or exchange  
10    of, real property for which the advertising display is placed;  
11    provided, that the exemption of this paragraph does not apply to  
12    advertising displays visible from a highway and subject to the  
13    Highway Beautification Act of 1965 (23 U.S.C., Sec. 131).  
14    (c) To designate the name of the owner or occupant of the  
15    premises or to identify the premises.  
16    (d) To advertise the business conducted or services rendered or  
17    the goods produced or sold upon the property upon which the  
18    advertising display is placed if the display is upon the same side  
19    of the highway and within 1,000 feet of the point on the property  
20    or within 1,000 feet of the entrance to the site at which the business  
21    is conducted or services are rendered or goods are produced or  
22    sold.  
23    (e) (1) *To advertise any products, goods, or services sold by*  
24    *persons on the premise of an arena pursuant to all of the following*  
25    *conditions:*  
26    (A) *The arena is located on public land.*  
27    (B) *The arena provides a venue for professional sports on a*  
28    *permanent basis.*

1 (C) *The arena has a capacity of 5,000 or more seats.*

2 (D) *The arena has an advertising display in existence before*  
3 *January 1, 2009.*

4 (E) *The advertising occurs pursuant to an agreement of at least*  
5 *one year duration between the vendor or business whose products,*  
6 *goods, or services are sold and the property owner.*

7 (2) *An advertising display authorized pursuant to this*  
8 *subdivision shall not advertise products, goods, or services directed*  
9 *at an adult population, including, but not limited to, alcohol,*  
10 *tobacco, gambling, or sexually explicit material.*

11 ~~SECTION 1. Section 5272.1 is added to the Business and~~  
12 ~~Professions Code, to read:~~

13 ~~5272.1. (a) None of the provisions of this chapter apply to an~~  
14 ~~advertising display, that was placed and is in existence before~~  
15 ~~January 1, 2009, that advertises the business conducted or services~~  
16 ~~rendered or the brands or goods marketed, produced, or sold for~~  
17 ~~a minimum of one year at the property upon which the advertising~~  
18 ~~display is placed, if the owner or occupant of the premises~~  
19 ~~advertises pursuant to an agreement for an integrated marketing~~  
20 ~~plan between the property owner or occupant and sponsor.~~

21 ~~(b) Any agreement for an integrated marketing plan shall specify~~  
22 ~~the terms and conditions on which the business conducted or~~  
23 ~~services rendered or the brands or goods marketed, produced, or~~  
24 ~~sold for a minimum of one year at the property may include~~  
25 ~~activities beyond a singular presence on the advertising display~~  
26 ~~and, therefore, are not merely incidental to the principal activity~~  
27 ~~conducted on the property.~~

28 ~~(c) For the purposes of this section, the following definitions~~  
29 ~~apply:~~

30 ~~(1) "Integrated marketing plan" means a plan that demonstrates~~  
31 ~~that the sponsor is allowed to include its logo, slogan, or advertising~~  
32 ~~on a variety of items in, and associated with, the premises, and its~~  
33 ~~programs, such as signage inside the premises, in program materials~~  
34 ~~at premise events, on the premise's Internet portal, or anything~~  
35 ~~else in its effort to conduct advertising, sales promotions, public~~  
36 ~~relations, and marketing activities at the premises, in addition to~~  
37 ~~placement on the property's advertising display.~~

38 ~~(2) "Sponsor" means the provider of services rendered or the~~  
39 ~~brand or goods marketed, produced, or sold at the property where~~  
40 ~~an advertising display is authorized under this section.~~

- 1     ~~(d) This section shall only apply to publicly owned properties~~
- 2     ~~with a capacity of 5,000 seats or greater that provide a venue for~~
- 3     ~~professional sports on a permanent basis.~~
- 4     ~~(e) An advertising display authorized pursuant to this section~~
- 5     ~~shall not advertise products or services directed at an adult~~
- 6     ~~population, including, but not limited to, alcohol, tobacco,~~
- 7     ~~gambling, or sexually explicit material.~~